

1 KEVIN V. RYAN (CASBN 118321)  
United States Attorney

2 EUMI L. CHOI (WVBN 07225)  
3 Chief, Criminal Division

4 H. H. (SHASHI) KEWALRAMANI (TXSBN 796879)  
Assistant United States Attorney

5 1301 Clay Street, Suite 340S  
6 Oakland, California 94612  
7 Telephone: (510) 637-3717  
Facsimile: (510) 637-3724

8 Attorneys for Plaintiff

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 OAKLAND DIVISION

12 UNITED STATES OF AMERICA,	)	Case No. 05-70942 WDB
	)	
13 Plaintiff,	)	ORDER GRANTING STIPULATION TO
	)	WAIVE TIME UNDER SPEEDY TRIAL
14 v.	)	CLOCK AND FOR PRELIMINARY
	)	HEARING
15 MICHAEL EDWARD PAYNE,	)	
	)	Date: January 27, 2006
16 Defendant.	)	Time: 10:00 a.m.
	)	Before the Honorable Wayne D. Brazil

17  
18 **ORDER**

19 Pursuant to Fed. R. Crim. P. 5.1(d) and 18 U.S.C. § 3161(h)(8), the parties in this matter filed  
20 a Stipulation to Waive Time Under Speedy Trial Clock and For Preliminary Hearing seeking to  
21 waive and extend the time for the preliminary hearing and to exclude the time between January  
22 27, 2006 and March 3, 2006 from the Speedy Trial Clock. The Stipulation was signed by  
23 counsel of record as well as the defendant knowingly and voluntarily waiving his right to a  
24 preliminary hearing on January 27, 2005, and extending the preliminary hearing until March 3,  
25 2006. The Stipulation also noted that Mr. Payne's counsel requires additional time to review  
26 material. This information will allow Mr. Payne's counsel to better evaluate the case and assist  
27 in preparing a defense. Counsel also acknowledged that an exclusion of time under the Speedy  
28

1 Trial Clock is appropriate to allow for the effective preparation of defense counsel taking into  
 2 account the exercise of due diligence. Good cause appearing therefor,

3 **IT IS HEREBY ORDERED** that the period of time between January 27, 2006 and March 3,  
 4 2006 is excluded from the Speedy Trial Clock to allow counsel to effectively prepare, taking into  
 5 account the exercise of due diligence. 18 U.S.C. § 3161(h)(8)(B)(iv). The Court finds that the  
 6 “ends of justice served by the granting of such continuance outweigh[s] the best interests of the  
 7 public and the defendant in a speedy trial.” 18 U.S.C. § 3161(h)(8)(A). Additionally, the Court  
 8 finds that the Defendant, Mr. Payne, knowingly and voluntarily waived the period between  
 9 January 27, 2006 and March 3, 2006, such that preliminary hearing is now scheduled for March  
 10 3, 2006 at 10:00 a.m.

11 DATED: January 24, 2006



12  
13  
14  
15 WAYNE D. BRAZIL  
United States Magistrate Judge

16 Distribute to:

17 Philip A. Schnayerson  
 18 Garcia, Schnayerson & Mockus  
 225 W. Winton, Ste 208  
 19 Hayward, CA 94544-1219  
 Counsel for Michael Edward Payne

20 H. H. (Shashi) Kewalramani  
 21 Assistant United States Attorney  
 1301 Clay Street, Suite 340S  
 22 Oakland, CA 94612  
 Counsel for Plaintiff